

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
No.: 1:24-cv-17-LCB-JLW

JOHN DOE 1, et al.,

Plaintiffs,

v.

NORTH CAROLINA DEPARTMENT
OF PUBLIC SAFETY, et al.,

Defendants.

JOINT STATUS REPORT

Pursuant to the Court's January 22, 2025 Text Order, counsel for the Parties met and conferred via video on January 23, 2025 regarding Plaintiffs' Emergency Motion for a Status Conference (ECF No. 58.) Attorneys Robert Lindholm and Soren Young attended the meet-and-confer on behalf of Plaintiffs, and Attorneys Matthew Tulchin and Laura McHenry attended on behalf of Defendants. Although the Parties have made progress resolving the impact of Defendants' document review and production on the schedule for discovery in this matter, the Parties' respectfully request that the Court hold the status conference currently scheduled for 1:30 pm EST on Friday, January 24, 2025, to address issues that remain.

During the meet-and-confer, Defendants provided clarity as to the nature of the approximately 30,000 documents produced to Plaintiffs on January 8, 2025 and committed to providing metadata inadvertently omitted from the production, resolving the concerns raised in Plaintiffs' Motion for a Status Conference specifically regarding the documents in the January 8, 2025 production.

With respect to the documents remaining to be reviewed and produced, Defendants represented that they have reviewed nearly 200,000 documents and have approximately 600,000 documents remaining to review for responsiveness to Plaintiffs' May 3, 2024 Requests for Production (the "Requests"). During the meet-and-confer, Plaintiffs expressed concern that with Defendants' current staffing of two attorneys, they would require approximately four months to complete review of the 600,000 documents. Plaintiffs suggested that Defendants needed additional staff to complete the document review on a faster timeline.

After the meet-and-confer, Defendants sent an email to Plaintiffs suggesting that they could seek their client's approval to use outside document reviewers to speed up the review process if Plaintiffs were amenable to that proposal. Defendants stated that it would likely take a couple of weeks to retain the reviewers, put together a review protocol, and get the reviewers up to speed, and that they hoped the review could be completed a month after that.

Plaintiffs responded via email, agreed with Defendants' suggestion in principle, and proposed a schedule for completion of that document review, which would also require moving other deadlines that would be impacted by this additional document review. Plaintiffs proposed February 24, 2025 as the document production deadline for Defendants, with two intermediate deadlines for substantial rolling productions of documents: all responsive, not privileged documents identified from the first 150,000 documents reviewed by February 7, 2025, and all responsive, not privileged documents identified from the next 150,000 documents reviewed by February 14, 2025. Plaintiffs also proposed a fact witness

deposition deadline of April 4, 2025, with all expert deadlines extended approximately two months.

Defendants responded and explained that it would take some time to get the necessary approvals (both within the North Carolina Department of Justice and the Department of Public Safety) to contract with external reviewers, so the external reviewers could likely not begin their review and be ready to produce any non-privileged, responsive documents identified from the first 150,000 documents of review by February 7, 2025. Defendants proposed extending the dates supplied by Plaintiffs (including the two interim deadlines) an additional 30 days, noting they would endeavor to have documents produced sooner, and would continue with rolling productions as Defendants complete their review. Plaintiffs responded and objected to a document review deadline of 60 days from now. The Parties are at an impasse on this issue.

[SIGNATURE PAGE FOLLOWS]

This the 23rd day of January, 2025

**JEFF JACKSON
ATTORNEY GENERAL**

/s/ Laura McHenry (with permission)

Matthew Tulchin
Special Deputy Attorney General
State Bar No. 43921
mtulchin@ncdoj.gov

Laura McHenry
Special Deputy Attorney General
State Bar No. 45005
lmchenry@ncdoj.gov

North Carolina Department of Justice
P.O. Box 629
Raleigh, North Carolina 27602
Phone: 919-716-6900
Fax: 919-716-6763
Attorneys for Defendants

**NELSON MULLINS RILEY &
SCARBOROUGH LLP**

/s/ Robert L. Lindholm

Robert L. Lindholm (N.C. Bar No. 52800)
301 South College Street
23rd Floor
Charlotte, NC 28202
(704) 417-3000
robert.lindholm@nelsonmullins.com

Donna O. Tillis*
Soren Young*
Yasmeen Ebbini*
1320 Main Street, 17th Floor
Columbia, SC 29201
(803) 799-2000
donna.tillis@nelsonmullins.com
yasmeen.ebbini@nelsonmullins.com
soren.young@nelsonmullins.com

Matthew G. Lindenbaum*
One Financial Center, Suite 3500
Boston, MA 02111
(617) 217-4700
matthew.lindenbaum@nelsonmullins.com

Council For Children's Rights

Michelle Duprey (N.C. Bar No. 53205)*
601 E. Fifth Street, Suite 510
Charlotte, NC 28202
(704) 943-9642
MDuprey@cfcrights.org

**Special Appearance Pursuant to Local Civil
Rule 83.1(d)*